

## TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

November 14, 2016

Present: Mr. John Goerlach, Chair  
Mr. Robert Ericson  
Mr. Henry Sayers  
Mr. Paul Sieloff, Town Manager

Warrants: Warrants Signed

The meeting was opened by John Goerlach at 6:00 p.m.

### 1) Public Comment

Chris Meehan from 6 Church Street came before the Board to announce that on Sunday, November 27<sup>th</sup> there will be a Christmas Tree Lighting Ceremony at St. Luke's Church on Main Street. There will be caroling and refreshments and all residents are welcome. Mr. Meehan asked that attendees bring a food item to donate to the Veterans' Food Pantry. Mr. Meehan stated that the church also collects weekly food donations for the pantry as well. Ron Tinkham from Sunrise Street spoke to the Board about a solar farm project on 20 acres of land owned by Eversource. Mr. Tinkham stated that he has communicated with the Energy Committee, Building Inspector and Town Counsel and that the Planning Board is working on Solar Zoning Bylaw requirements as the Town does not currently have any. Mr. Sieloff announced that the Tax Collector and Town Treasurer will have limited hours over the next several weeks because of medical leave issues and asked the public to please be patient and check the website for changes in hours.

### 2) Permit(s)/Contract(s)/Use of Town Property or Notification to Town of Community Event/Appointment(s)

#### **Berkshire Gas Company – Extension of Existing Gas Service – 636 South Main Street**

Mr. Sieloff presented the Board with a Memorandum from DPW Director William Decelles relative to the permit application. Motion 16-163. Motion made by Henry Sayers to approve the Extension of Existing Gas Service for Berkshire Gas Company for 636 South Main Street, seconded by Robert Ericson. Motion carried 2-0. John Goerlach abstained from vote.[#1]

#### **Patricia Hickey – Berkshire Health Insurance Group - Alternate**

Motion 16-164. Motion made by Robert Ericson to appoint Patricia Hickey as an Alternate for the Berkshire Health Insurance Group, seconded by Henry Sayers. Motion carried 3-0.

#### **Ruth Knysh – Records Access Officer**

Mr. Sieloff presented the Board with literature from Town Counsel relative to the appointment. Mr. Sieloff stated that it is a new requirement for public records requests. Motion 16-165. Motion made by Robert Ericson to appoint Ruth Knysh Records Access Officer, seconded by Henry Sayers. Motion carried 3-0. [#2]

### 3) Nuisance / Dangerous Dog Complaint

Mr. Goerlach opened the hearing and swore in all attendants who would testify. Mr. Goerlach asked Ann Maffuccio to give a brief synopsis of the event in question. Ms. Maffuccio of 18 Irwin Street gave a statement to the Board about how she had been bit by the dog in question and showed pictures from the incident. Ms. Maffuccio also gave an account of an incident involving another neighbor who was also bit by this same dog. Chief Timothy Sorrell stated that the Animal Control Officer quarantined the dog for ten days after the incidents. To date no license has been obtained for the dog and no record of any vaccinations has been received by the Town Clerk. Beth Lynne Durant of 4 Irwin Street stated that the owner of the dog, Nicole Reed, has more than one dog. Ms. Durant stated that the dog in question, "Ralphie", came out a second story window after her daughter. Ms. Durant also stated that they were in fear of this animal and the owners do not leash any of their animals. Ms. Durant's daughter, Katelyn stated that the dog jumped out of a second story window after her when she was walking her dog. Mr. Sayers asked when this happened. Ms. Durant stated sometime in the middle of August. Ms. Nicole Reed, who is the owner of the animal, did not

appear at the hearing. The Board discussed what action it should take. Ms. Durant asked if maybe the dog could be muzzled. Mr. Goerlach gave a list of restrictions the Board could impose on the owner of the animal which was given to them by Town Counsel. Chief Sorrell gave the Board an account of complaints that were filed by residents and actions taken by the Animal Control Officer. Chief Sorrell believes that the Animal Control Officer spoke with the owner's veterinarian who said dog was vaccinated but no certificate has been provided. Mr. Goerlach asked if there was any other testimony. Seeing none the Board made a motion to close the hearing. Motion 16-166. Motion made by Henry Sayers to close the public dog hearing, seconded by Robert Ericson. Motion carried 3-0. Motion 16-167. Motion made by Robert Ericson to acknowledge that the dog "Ralphie" did bite Ann Maffuccio on September 25, 2016, seconded by Henry Sayers. Motion carried 3-0. Motion 16-168. Motion made by Robert Ericson to acknowledge that the dog "Ralphie" did chase Katelyn Durant in the middle of August 2016, seconded by Henry Sayers. Motion carried 3-0. Motion 16-169. Motion made by Robert Ericson to deem that the dog "Ralphie" is dangerous, seconded by Henry Sayers. Motion carried 3-0. Mr. Goerlach asked the Board which restrictions it would like to impose. Motion 16-170. Motion made by Robert Ericson to the impose restrictions as listed in a Memorandum from Town Counsel (c) (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; (ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; and (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance, on dog Ralphie owned by Nicole Reed, seconded by Henry Sayers. Motion carried 3-0. Mr. Goerlach asked that the Town Secretary put their restrictions in writing to have Chief Sorrell present to Ms. Reed. The Board asked attendees to contact the Police if further incidents occurred. [#3]

4) Reminder: Meeting November 28 at 6:30 with Lanesborough Elementary School Committee, Mount Greylock High School Committee Chair Carrie Greene, and Superintendent

Mr. Sieloff reminded the Board of the upcoming meeting with the Lanesborough Elementary School Committee. The Board decided to limit the meeting to just the Board of Selectmen and the Elementary School Committee.

5) Massachusetts Dept. of Conservation & Recreation Silviculture Prescription – Potter Mountain Road

Kevin Podkowka, Management Forester for the Northern Berkshire District of the Massachusetts Department of Conservation and Recreation came before the Board to inform the Board about a forestry project on Potter Mountain Road. Mr. Podkowka stated that he will work with the Tree Warden and would like the Board's permission to remove trees that are owned by the Town and that the Town would receive approximately 8% of the sale of the trees. Mr. Sayers asked if the Board could mark other trees to be removed as the area is overgrown. Mr. Podkowka stated that he would work with the Board to put a contract together that would list the trees to be removed. Mr. Sayers wanted to make sure that any road damage would be taken care of. Mr. Podkowka stated that a bond would be obtained. Chief Sorrell would like to keep gate closed when work is not being commenced. Motion 16-171. Motion made by Robert Ericson to grant the Massachusetts Department of Conservation and Recreation a waiver to cut more than 50% of the basal area, within the 50' buffer strip on each side of Potter Mountain Road, located within the sale area and also allow the removal of

trees along the edge of Potter Mountain Road and hazard mitigation and forest management, which only applies to the Potter Mountain Road-Lanesborough Sale, after approval by the Tree Warden William Girard, seconded by Henry Sayers. Motion carried 3-0. Mr. Podkowka thanked the Board for their help. [#4]

6) Proposed Renovation/Rehabilitation of Police Department Building, Scheduling Police coverage and use of Green Community Grant Funds

Mr. Ericson presented the Board with literature as to the status and progress of work to be done at the Police Station with the funds from the Green Community Grant. Mr. Goerlach asked Mr. Ericson approximately how much the project would cost. Mr. Sieloff stated that what the Energy Committee is proposing is a rehab of the entire building and Mr. Sieloff is concerned about the money which will be expended as there will have to be Police coverage in the building while work is being performed. Mr. Ericson stated it would be approximately \$50,000. Mr. Goerlach asked who would be doing the work. Mr. Ericson stated that he could do work and possibly the Highway Department. Mr. Goerlach stated that he is reluctant to have Mr. Ericson or the Highway Department do the work as it would have to be done quickly and not stretch out over long period of time. Mr. Sayers would like a list of prices for the proposed work. Mr. Goerlach would like to check with Town Counsel as he believes that the work cannot be performed without using the prevailing wage rates. [#5]

7) Town Hall Repairs

Mr. Sieloff stated that the Town has not received word from MIIA as to the status of the grants submitted. This issue will be added to the next Agenda.

8) Economic Development Committee update

Committee Chair Barbara Davis Hassan came before the Board to give an update as to progress made with the Economic Development Committee. The Committee has met twice and voted in its officers. Ms. Hassan stated that Williams College would like to assist the Committee in its endeavor. Ms. Hassan gave the Board a list of tasks it hopes to accomplish and asked the Board for its permission to have Williams College contact the owner of the Berkshire Mall to try to devise a plan to file vacancies. Ms. Hassan stated that the Committee is in the process of composing a questionnaire which they would like to include in the next tax bill to have local businesses give input. The Committee has met with the Adams Town Administrator and their Economic Development Committee to try to capitalize on the Harry Potter phenomenon on Mount Greylock and Ms. Hassan is joining different groups to help with establishing art and culture in Town. Ms. Hassan asked the Board its feeling on marijuana dispensaries. Ms. Hassan stated that these types of business are looking for places to open after the passing vote at the recent election and have stated that they will share their profits with the Town if they are allowed to open. Ms. Hassan believes this is something that should be decided at a Town Meeting. Motion 16-172. Motion made by Robert Ericson to allow the Economic Development Committee to insert a questionnaire in the next tax bill, seconded by Henry Sayers Motion carried 3-0. The Board stated that the new owner of the Berkshire Mall was open to discussions on filling vacancies. Ms. Hassan will contact the owner. Mr. Sieloff asked Ms. Hassan to contact him to discuss further. [#6]

9) Re-approval of Job Descriptions

Mr. Sieloff presented the Board with updated descriptions per the revisions of Mr. Ericson at a previous meeting. Mr. Goerlach would like to add grass trimmer next to mower on page two of the Seasonal Laborer description. Motion 16-173. Motion made by Robert Ericson to approve the job descriptions as presented with one change to the Seasonal Laborer description, seconded by Henry Sayers. Motion carried 3-0.

10) Proposed Speed Zone Modification on Narragansett Causeway

Mr. Sieloff presented the Board with information given to him by Police Chief Sorrell from MASSDOT regarding safety zone speed limits. Chief Sorrell stated that #9 of the information presented will allow for the Town to reduce the speed limit on the causeway for safety purposes. Mr. Goerlach asked Chief Sorrell what he recommends for a speed limit. Chief Sorrell believes that 25 mph is a safe speed. Mr. Sayers would like

to address this issue after the work has been completed to see what would be best. Mr. Sieloff asked the Town Secretary to calendar this item until after completion of the project. [#7]

11) Highway Department Sander

Mr. Goerlach stated that the estimate to repair the Highway Department's Sander is \$4,650 and given that the repair cost is so high he suggested purchasing a new one. Motion 16-174. Motion made by John Goerlach to purchase a new sander for the Highway Department, seconded by Robert Ericson. Motion carried 3-0.

12) Home Day Care

The Board tabled the item until more information can be obtained from the Building Inspector.

13) Other business which could not have been reasonably foreseen within 48 hours of the meeting.  
None.

14) Selectmen's Items

Mr. Ericson reviewed a spreadsheet of work performed by the Energy Committee at the Elementary School. Mr. Sayers asked Mr. Sieloff if he heard from the Department of Conservation and Recreation about opening and closing the gate on Potter Mountain Road. Mr. Sieloff will follow up as he never received a response. Mr. Goerlach asked if Mr. Sieloff had contacted someone to fix the rug in Selectmen's office. Mr. Sieloff will contact the company to schedule a time for the repair. [#8]

15) Town Manager Report

Mr. Sieloff stated that he contacted MASSDOT about drainage issues on Route 7 and asked the Board what specific areas they would like to see addressed. Mr. Goerlach stated that problems exist in many different areas along Route 7. Mr. Sieloff will contact the District 1 Highway Superintendent.

16) Approve Minutes

Motion made by Henry Sayers to approve the Minutes of October 24, 2016, seconded by Robert Ericson. Motion carried 3-0.

17) Executive Session – To enter into executive session pursuant to M.G.L. c. 30A, s. 21(a) (2) to conduct strategy sessions in preparation for negotiations regarding lawsuits.  
None.

18) Adjournment

Motion to adjourn meeting made by Henry Sayers, seconded by Robert Ericson. Motion carried 3-0. Meeting adjourned at 7:53 p.m.

Footnotes:

- [#1] Berkshire Gas Company – Extension of Gas Service – 636 South Main Street
- [#2] Records Access Officer Information – Public Records Law
- [#3] Dangerous Dog Hearing Information
- [#4] DCR – Silviculture Prescription – Potter Mountain Road
- [#5] Police Rehabilitation Information from Energy Committee with Green Community Grant Money
- [#6] Economic Development Committee Task List
- [#7] MASSDOT Speed Zoning Information
- [#8] Green Community Summary – Lanesborough Elementary School

Date Approved: 11/29/16

BOARD OF SELECTMEN

*John Goerlach*

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*Robert Ericson*

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*Henry Sayers*

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